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*Attorney for Defendant Cody Allen Easterday*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CODY ALLEN EASTERDAY,

Defendant.

No. 4:21-CR-06012-SAB-1

**DECLARATION OF CARL J.  
ORES KOVICH IN SUPPORT OF  
DEFENDANT'S MOTION TO  
CONTINUE SENTENCING  
HEARING**

I, Carl J. Oreskovich, do hereby declare the foregoing:

1. I am over the age of 18, competent to testify, and have personal knowledge regarding the matters stated herein.
2. I make this declaration in good faith and not for purposes of delay. This declaration is in support of a motion for continuance of Mr. Easterday's current sentencing date of June 13, 2022, until early September of 2022.

1 This Motion is based upon the need for Mr. Easterday's continued  
2 participation in the adversary proceedings involving Mr. Easterday  
3 personally, Easterday Farms, and Easterday Ranches, Inc.  
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6 3. As has been set forth in previous declarations and as this Court is aware  
7 from a prior continuance argument, Easterday Farms and Easterday  
8 Ranches have been involved in a very complex bankruptcy proceeding.  
9 Cody Easterday, the defendant herein, has not personally filed bankruptcy  
10 but has been significantly involved in this bankruptcy action pursuant to a  
11 cooperation agreement where he, his wife Debby, and other family  
12 members contributed significant amounts of real property to the bankruptcy  
13 estate for the purpose of satisfying creditors. The bankruptcy action has  
14 been rapidly proceeding and nearing conclusion.  
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18 4. On April 20, 2022, the Bankruptcy Court entered its *Order Granting*  
19 *Debtors' Motion to Approve Global Settlement Term Sheet* [Docket No.  
20 1560], which approved the *Global Settlement Term Sheet* dated April 14,  
21 2022 (the "Global Settlement Term Sheet"), by and among the Debtors, the  
22 Committees, Tyson, Segale, and certain related family members and  
23 affiliated entities. The Global Settlement Term Sheet contemplates a  
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1 global resolution of all claims among the parties and an agreed distribution  
2 of funds to creditors, subject to the approval of the Bankruptcy Court.

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5 5. On May 11, 2022, the Debtors filed their *Third Amended Joint Chapter 11*  
6 *Plan of Liquidation of Easterday Ranches, Inc., and Easterday Farms*  
7 [Docket No. 1606] (the “Plan”), which effectuates the terms of the Global  
8 Settlement Term Sheet. The Plan provides for a comprehensive settlement  
9 which will include, among other things, prompt distributions to creditors,  
10 100% recoveries to the creditors of Easterday Farms, material distributions  
11 to the unsecured creditors of Easterday Ranches’ unsecured creditors, and  
12 material, voluntary contributions by the Easterday family. The consent of  
13 the DOJ to the settlements and releases of property and interests provided  
14 for in the Plan is a condition precedent to the effective date of the Plan.  
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23 6. A hearing to consider the adequacy of the Debtor’s Disclosure Statement is  
24 currently set for May 25, 2022. The parties anticipate that a hearing to  
25 consider confirmation of the Plan will be set sometime in July, 2022,  
26 following the court’s anticipated approval of the Disclosure Statement and  
27 the Plan solicitation and voting procedures. Objections to the Plan will be  
28 required between 10 and 14 days prior to the confirmation hearing that  
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1 would be set in July 2022.

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3 7. I have spoken with Mr. Jeff Misy, Mr. Easterday's personal counsel in  
4 the bankruptcy who advises me that Mr. Easterday's continued  
5 participation in the bankruptcy is critical through the time that the Plan is  
6 set to be confirmed in July. More importantly, in the event there are  
7 objections filed Mr. Easterday will be significantly involved in litigating  
8 the objections to the Plan.  
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12 8. I have conferred with Mr. John Scanlon, counsel for the Government in this  
13 case. Mr. Scanlon has agreed to this motion to continue the sentencing  
14 hearing to allow for the Plan confirmation. Both Mr. Scanlon and I have  
15 trial conflicts and vacations plans during the month of August. We have  
16 identified the first two weeks in September as a timeframe when we are  
17 both available and by this uncontested motion, I am asking the Court to  
18 continue the sentencing hearing of June 13<sup>th</sup> until sometime during the first  
19 two weeks of September. I have shared a copy of this motion with Mr.  
20 Scanlon and he has authorized me to represent to the Court that he has no  
21 objection to it.  
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1 I hereby declare that the following is true and correct under penalty of  
2  
3 perjury of the laws of the State of Washington and United States.  
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5 EXECUTED this 19<sup>th</sup> day of May, 2022 in Spokane, Washington.  
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7 By: /s/ Carl J. Oreskovich  
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9 Carl J. Oreskovich  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the date indicated herein, I caused a true and correct copy of the foregoing to be filed with the Clerk of the Court using the CM/ECF System, which will send notification of such to all attorneys of record.

EXECUTED this 19<sup>th</sup> day of May, 2022 in Spokane, Washington.

By: /s/ Jodi Dineen  
Jodi Dineen